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Mark L. Freed, Esquire
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February 27, 2017

Via Overnight Mail

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

***Re: Delaware Riverkeeper Network, et al. v. Patrick McDonnell, Acting Secretary of
the Pennsylvania Department of Environmental Protection, et al.***

Dear Sir/Madam:

Enclosed please find the original and two copies of the Petition for Review of the Delaware Riverkeeper Network and Maya van Rossum, the Delaware Riverkeeper, in the above-referenced matter. Kindly file the original and one copy of the Petition, and date stamp and return the other copy in the enclosed self-addressed stamped envelope. Also enclosed is a check for the filing fee in the amount of \$500.00.

Thank you for your attention to this matter.

Very truly yours,



Mark L. Freed, Esquire
For CURTIN & HEEFNER LLP

Enclosures

cc: Patrick McDonnell, PADEP Acting Secretary (via overnight mail)
Alexandra Chiaruttini, PADEP Chief Counsel (via overnight mail)
Pennsylvania Office of Attorney General (via overnight mail)

No. _____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

DELAWARE RIVERKEEPER NETWORK,

and

MAYA VAN ROSSUM, the Delaware Riverkeeper,

Petitioners,

v.

PATRICK MCDONNELL, Acting Secretary of the Pennsylvania Department of
Environmental Protection, and COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.

***PETITION FOR REVIEW OF AN AGENCY ORDER
(Federal Rules of Appellate Procedure, Rule 15)***

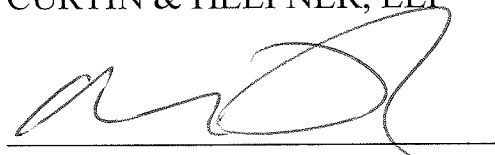
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AARON STEMPLIEWICZ
PA ID No. 312371
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
Tel. (215) 369-1188
aaron@delawareriverkeeper.org

*Attorneys for Petitioners Delaware Riverkeeper Network and Maya van Rossum,
the Delaware Riverkeeper*

DELAWARE RIVERKEEPER NETWORK and MAYA VAN ROSSUM, the Delaware Riverkeeper, hereby petition this Court, pursuant to Rule 15 of the Federal Rules of Appellate Procedure and 15 U.S.C. § 717r(d)(1) of the Natural Gas Act, for review of the Pennsylvania Department of Environmental Protection's decision to grant a Water Quality Certification under Section 401 of the Federal Clean Water Act ("Section 401 Certification") for PennEast Pipeline Company, LLC's PennEast Pipeline Project, issued on February 7, 2017, and noticed in the Pennsylvania Bulletin on February 25, 2017. A copy of the Section 401 Certification is attached as Exhibit A to this Petition.

CURTIN & HEEFNER, LLP



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aaron@delawareriverkeeper.org

Dated: February 27, 2017

*Attorneys for Petitioners Delaware Riverkeeper Network and Maya van Rossum,
the Delaware Riverkeeper*

EXHIBIT A



ORIGINAL

FILED
SECRETARY OF THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
2017 FEB 13 P 4:17
FEDERAL ENERGY REGULATORY COMMISSION

February 7, 2017

PennEast Pipeline Company, LLC
Attention: Mr. Anthony Cox
1 Meridian Boulevard, Suite 2C01
Wyomissing, PA 19610

Re: 401 Water Quality Certification
PennEast Pipeline Project
FERC Docket No. CP15-558-000
DEP File No. WQ02-005
Luzerne, Carbon, Northampton and Bucks Counties

Dear Mr. Cox:

This is in reference to your February 9, 2016 request for Water Quality Certification as required by Section 401 of the Federal Clean Water Act (33 U.S.C. §1341). The request relates to the PennEast Pipeline Project, a natural gas pipeline project that will take place in Dallas, Kingston, Jenkins, Plains and Bear Creek Townships, West Wyoming, Wyoming and Laflin Boroughs, Luzerne County; Kidder, Penn Forest, Towamensing and Lower Towamensing Townships, Carbon County; Lehigh, Moore, East Allen, Upper Nazareth, Lower Nazareth, Bethlehem, Lower Saucon, and Williams Townships, and Easton City, Northampton County; and Durham and Rieglesville Townships, Bucks County.

The Department of Environmental Protection (DEP) has reviewed your request for state water quality certification and hereby grants state water quality certification for the PennEast Pipeline Project. The approved certification is attached.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the federal Natural Gas Act, 15 U.S.C. 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

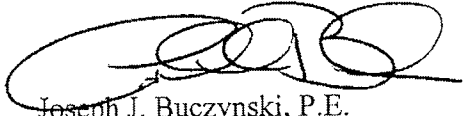
PennEast Pipeline Company, LLC

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February 7, 2017

If you have any questions, please contact Eugene Trowbridge at 570-820-4919.

Sincerely,



Joseph J. Buczynski, P.E.
Environmental Program Manager
Waterways and Wetlands Program

Enclosure

cc: Ms. Kimberly Boase, Secretary/FERC (w/ Enclosure)
DEP SERO Waterways and Wetlands Program (w/ Enclosure)
US Army Corps of Engineers, Baltimore District (w/ Enclosure)
AECOM (w/ Enclosure)
PA Fish and Boat Commission, Div. of Environmental Services
Luzerne Conservation District
Carbon County Conservation District
Northampton County Conservation District
Bucks County Conservation District

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
PENNEAST PIPELINE PROJECT
NATURAL GAS PIPELINE PROJECT
AND RELATED MITIGATION
FERC DOCKET NO. CP15-558-000**

WQ02-005, PennEast Pipeline Company, LLC
Attn: Anthony Cox
1 Meridian Boulevard
Suite 2C01
Wyomissing, PA 19610

Luzerne, Carbon, Northampton and Bucks Counties
ACOE Baltimore District and Philadelphia District

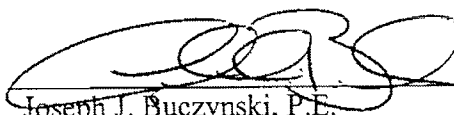
**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
PENNEAST PIPELINE PROJECT
NATURAL GAS PIPELINE PROJECT
AND RELATED MITIGATION
FERC DOCKET NO. CP15-558-000**

WQ02-005 – The Pennsylvania Department of Environmental Protection (PADEP) certifies that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 16, 93, and 105, provided that the construction, operation, and maintenance of the Project complies with the following conditions of this certification, including the criteria and conditions of the following permits:

1. Discharge Permit – PennEast Pipeline Company, LLC shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania’s Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).
2. Erosion and Sediment Control Permit - PennEast Pipeline Company, LLC shall obtain and comply with PADEP’s Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania’s Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1-680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).
3. Water Obstruction and Encroachment Permits - PennEast Pipeline Company, LLC shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania’s Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1-693.27), and Flood Plain Management Act (32 P.S. §§ 679.101-679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105).
4. Water Quality Monitoring - PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by PennEast Pipeline Company, LLC.
5. Operation – For each Project under this certification, PennEast Pipeline Company, LLC shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by PennEast Pipeline Company, LLC.
6. Inspection - The Projects, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this Certification, including all required permits, and Pennsylvania’s Water Quality Standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

7. Transfer of Projects – If PennEast Pipeline Company, LLC intends to transfer any legal or equitable interest in the Projects which is affected by this Certification, PennEast Pipeline Company, LLC shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.
8. Correspondence - All correspondence with and submittals to PADEP concerning this Certification shall be addressed to:

Department of Environmental Protection
Northeast Regional Office
Waterways and Wetlands Program
2 Public Square
Wilkes-Barre, PA 18701-1915
9. Reservation of Rights – PADEP may suspend or revoke this Certification if it determines that PennEast Pipeline Company, LLC has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to PennEast Pipeline Company, LLC's applicable procedural and substantive rights.
10. Other Laws - Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve PennEast Pipeline Company, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.
11. Severability - The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.



Joseph J. Buczynski, P.E.
Environmental Program Manager
Waterways and Wetlands Program

2/7/2017
Date

Document Content(s)

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CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the forgoing was served, via Overnight Mail, on the following on the date listed below:

Patrick McDonnell, Acting Secretary
Pennsylvania Department of Environmental Protection
400 Market Street
Harrisburg, PA 17105

Alexandra Chiaruttini, Chief Counsel
Pennsylvania Department of Environmental Protection
400 Market Street
Harrisburg, PA 17105

Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

CURTIN & HEEFNER, LLP



Date: February 27, 2017

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